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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002653

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E.O. 12958: DECL: 07/24/2016  
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SUBJECT: TRANSITIONAL JUSTICE CONFERENCE READOUT

Classified By: Political Counselor Margaret Scobey for reasons 1.4(b) and (d).

11. (C) SUMMARY AND COMMENT: The United Nations Assistance Mission for Iraq (UNAMI), in partnership with the International Center for Transitional Justice (ICTJ) and Office of the High Commissioner for Human Rights and the Iraqi Ministry of Human Rights (UNHCR), held a conference on transitional justice in Iraq on July 22 and 23. Conference topics included Vetting (De-Ba'thification), Prosecutions, Amnesty, Truth and Reconciliation mechanisms, and Victim Compensation. During the event, Iraqi government and International officials discussed topics and formed recommendations for moving forward on transitional justice issues. The lack of political diversity among participants, notably those working on De-Ba'thification issues, calls into question some of the conclusions and recommendations that were reached. END SUMMARY AND COMMENT.

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MASHADANI'S OPENING REMARKS  
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12. (C) The conference opened with remarks by Council of Representatives (CoR) Speaker Mahmoud Mashadani. Playing to heavy media presence, Mashadani made a series of disparaging remarks against the US and UN efforts in Iraq. Claiming the coalition was welcomed as a surgeon, Mashadani said US forces have turned out to be no better than butchers roughly treating a carcass. He claimed the coalition was preventing Iraqi security forces from securing the country and demanded to know where human rights and transitional justice were in a coalition holding 8,000 Iraqis in detention without charges. Closing his statements, Mashadani predicted reconciliation efforts would fail if not done the Iraqi way, based on historic principles as carried out through the Koran.

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DAY ONE HIGHLIGHTS  
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13. (C) Following Mashadani's comments, Deputy Special Representative to the UN Secretary General, Michael Von Schulenburg, set aside his prepared remarks in an attempt to re-focus the purpose of the conference. Schulenburg opined that violence and retaliation must not become a way of life in Iraq and that justice and accountability were the only way to prevent this. Schulenburg continued by suggesting that Iraq must move away from blaming entire communities or groups and instead prosecute individuals for their crime. He

said the UN stands ready to support, but Iraqis themselves must lead the way.

¶4. (C) Iraqi Minister of Human Rights, Wijdan Salim, called for the disbanding of militias and stressed the importance of robust job training for those willing to give up their arms. State Minister for National Dialogue, Akram Al-Hakim, emphasized the just treatment of detainees and early release as critical to the beginning a dialogue process and stressed the importance of compensation to those injured. Muwafak Al-Rubaie stated that thousands currently held in detention may be innocent and should be released. Al-Rubaie went on to say that amnesty and detention are Iraqi problems that must be dealt with by Iraqis.

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DAY TWO WORKSHOPS AND RECOMMENDATIONS  
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¶5. (C) On the second day of the conference, Iraqi participants broke into four working groups, each consisting of approximately 10 participants, an Iraqi chairperson and a facilitator representing one of the conference organizers. Embassies were not allowed to observe nor participate in the dialogue, but were present for discussion of the final reports and recommendations, summarized below:

-- Group 1 -- Recommendations on Vetting and De-Ba'thification Processes: The process of De-Ba'thification furthers the cause of justice in Iraq, and therefore all decisions that have been issued by the National De-Ba'thification Commission (NDC) should be implemented. Ba'thists are largely responsible for

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corruption in the public sector and must be excluded from government. The issue of rehabilitation and re-integration into society is the last step in a process that includes improvements in security, economic development and victims' compensation, and should be viewed as a longer term goal.

-- Group 2 -- Recommendations on Prosecutions: Rule of law and accountability are key to transitional justice efforts in Iraq. There must be a clear, legal description of all those covered by any amnesty issued. All convictions must be based on fair, legal trials presided over by properly trained judges. There should be a mechanism for cooperation between the various transitional justice tools and bodies in Iraq.

-- Group 3 -- Recommendations on Truth, Amnesty and Reconciliation Mechanisms: Knowledge of the truth is the first step towards public understanding and prevention of further atrocities. A truth-telling committee, supported by the UN and international NGOs, should be formed by independent, professional experts. The Council of Representatives should pass a law tasking this committee to investigate human rights violations from 1968 to the present. The committee should produce final reports within two years or less, and should provide these reports to the Speaker of CoR, Chief Justice and Prime Minister. (COMMENT: The deliberate inclusion of the post-Saddam years in the recommendation on HR investigations is clearly designed to include Iraqi Government and alleged Coalition Forces human rights abuses. END COMMENT.)

-- Group 4 -- Recommendations on Compensation, Property Claims and Martyrs: The issue of victims' compensation raises problems for the government budget. Because of the size of the problem, a committee of representatives from the various relevant ministries

should be formed to draft compensation rules. This committee should also take into account non-financial ways to compensate victims, such as statues and memorials. The committee should also look at other available resources, such as revenue from properties seized from Saddam and other officials of the former regime.

¶6. (C) COMMENT: While it is encouraging to see Iraqis debating issues of transitional justice, the lack of political diversity among participants, especially in the De-Ba'thification group, casts doubt on conclusions reached on the most contentious issues. De-Ba'thification facilitator Miranda Sisson of ICTJ lamented that the Shia participants did not once consider the Sunni perspective in their discussion of the issue. Their solution rejects rehabilitation and reconciliation in favor of broader application of De-Ba'thification policies. Such one-sided conclusions do not represent the whole of Iraqi public opinion, and will likely lead to greater divides between Sunni and Shia.

¶7. (C) COMMENT CONT'D: When asked why his political bloc did not send more representatives to the conference, which resulted in the one-sided conclusions of the de-Ba'thification group, Tawafug leader Alaa Mekki (who chaired the panel on amnesty and reconciliation) commented that the Sunnis were "lazy" and he couldn't get more political activists to attend the conference. He added that he would submit an opposing viewpoint on the De-Ba'thification issue for the official record. While that may help to balance the conference report, the lack of dialogue between opposing sides is another lost opportunity.  
END COMMENT.  
SCOBAY